

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROY WAYNE HARRELL, #1236913

VS. § CIVIL ACTION NO. 2:05cv461

DIRECTOR, TDCJ-CID

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Harry W. McKee. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner’s objections and determined that they lack merit; however, the Court clarifies that Petitioner was convicted on April 26, 2004, and the Court’s analysis of the one-year statute of limitations is based on that date. A typographical error in the Report mentions both the correct date and, inadvertently, a date of January 8, 1997.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE**; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 25th day of January, 2006.

T. John Ward
T. JOHN WARD
UNITED STATES DISTRICT JUDGE